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THE STUDY OF LEGAL EDUCATION

FROM THE REPORT OF THE PRESIDENT OF THE CARNEGIE
FOUNDATION FOR THE ADVANCEMENT OF TEACHING FOR 1915

NEW YORK
THE CARNEGIE FOUNDATION FOR THE
ADVANCEMENT OF TEACHING
1915

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THE STUDY OF LEGAL EDUCATION

THE Annual Reports of the President to the Trustees provide an opportunity of keeping the public informed as to the progress of our several studies of higher education. Frank, informal statements are peculiarly due when enquiries have been planned on a somewhat comprehensive scale, so that published results are slow in forthcoming. The besetting danger of all organizations for educational enquiry is not that they will use their powers of enquiry and criticism improperly, but that they will not utilize these powers to their full extent. When large trust funds have been created for purposes of public service, the public should be interested in the question whether these funds are being used primarily for the support of a large staff pottering with unimportant details, or whether work of value is apparently being accomplished.

The principal event of the past year in our study of legal education was the publication, as Bulletin No. 8, of the special report prepared for us by Professor Josef Redlich of Vienna, under the title of "The Common Law and the Case Method in American University Law Schools." This attempt, on the part of a foreigner, to do justice to certain important phases of American legal education has been received with a degree of respect which is the more remarkable in view of the animosities engendered among scholars by the international conflict. At some subsequent date an attempt will be made to summarize the various comments, published and otherwise, which from time to time have been received, and we hope will continue to be received, by the Foundation.

Simultaneously with the translation in this office, subject to his revision, of Professor Redlich's report, the work of visiting the law schools has been continued. In pursuance of our policy of concentrating responsibility upon a single member of the staff, four successive trips were made by him during the year: in October to western New York and Maine; in November and December to Wisconsin and Iowa and the states adjoining; in January and February to western Pennsylvania, West Virginia, Kentucky, Tennessee, Indiana, and Ohio; in March and April to Michigan and Chicago. As a result of these expeditions, combined with a long journey made during the first half of 1914 thru the South and the Far West, every surviving white resident law school in the United States, founded prior to 1913, is believed now to have been visited, with the exception of a small group on or near the Atlantic coast. It should be noted, however, that the omitted institutions include several of the largest and most important in the country. The visitation of these has purposely been left until the last; partly to meet an objection frequently voiced at the beginning of the enquiry that we were liable to accept ready-made the standards of a few strong schools, and attempt to impose these upon the rest of the country; partly also for the very homely reason that the inspection of a school is an art of no small difficulty, the rudiments of which can best be acquired by beginning with the smaller and easier cases.

It is a time-taking operation, at best, picking out what seem to be the salient

characteristics of a law school. Four weeks, for instance, were spent in San Francisco, in the effort to do justice to the nine law schools in that city and its immediate vicinity. In Chicago, which, besides boasting nine resident schools, is the principal centre of the correspondence school movement in law, a full month proved to be none too long a period. In order to shorten the field work as much as possible, special blanks had been prepared, covering such matters as registration, finance, and library facilities, that may be readily expressed in statistical form. These blanks have usually been left with the institutions to be forwarded at their leisure. Since leisure is not a common commodity in the law school world, and since part of the information requested calls for an unusual amount of time and clear-headedness, this portion of our work has been peculiarly vexatious both to the schools and to the Foundation.

A difficulty that is especially marked in the case of law schools is the determination of what schools actually exist. In medicine and engineering a certain amount of capital is required in order to provide even inadequate laboratory facilities. Any young lawyer, however, may hold himself out as competent to prepare applicants for admission to the bar; and since an enterprise thus entered upon may be as lightly abandoned, nothing like a comprehensive list of mere cram classes could of course be attempted. These private classes shade off by infinitesimal gradations, however, into more ambitious projects, all the way up to the most highly developed institutions, so that, even when the facts are known, the question of where to draw the line, of "when is a school not a school?" is by no means easy to answer.

The principle adopted by the Foundation has been to pay especial attention to resident institutions conferring degrees, and to treat in more general fashion other resident "schools" announcing themselves as such, and correspondence schools of either description. No attempt has been made to enumerate, on the one hand, mere classes which prepare for the bar, nor, on the other hand, courses offered in business and commercial law only. Moribund institutions have been disposed of (in accordance with the most approved modern theories of legal education) not upon any preconceived plan, but as the exigencies of the individual case seem to demand. Thus, to cite a typical close decision, the Minneapolis College of Law, which has an independent charter, and a brass doorplate, but no students and no apparent expectation or likelihood of obtaining any, is considered as defunct. On the other hand the School of Law of Angola, Indiana, which has neither charter, doorplate, nor students, but does have four pages in the annual catalogue of Tri-State College, is classified as alive. Experts in the case method will doubtless be able, from this statement of facts, to "extract the principle."

Appended to this section will be found what is believed to be the most authoritative list of law schools ever published in the United States, at least since the growth of these schools reached its modern efflorescence. While comparison of our list with that of the United States Commissioner of Education shows numerous points of difference due to our attempt to follow and verify every possible clue, it is only proper

to state that without the invaluable work of the Commissioner as a basis, no such list could have been prepared. Its publication at this time will, it is hoped, cause omissions or other errors to be brought to our notice.

Parallel with the study of law schools is our attempt to correlate legal education proper with the conditions that it has to face, and with the general movement in this country, extending now over a long term of years, to better both the schools and these fundamental conditions. Twenty special workers, including both practising attorneys and teachers, among whom were five present or former deans of law schools, have collected for us detailed information in regard to requirements for admission to the bar in all the states, and valuable statistics from every State where sufficient records exist, and from many states where the records are sadly insufficient. The task of compressing this mass of information within reasonable limits has been steadily prosecuted throughout the year, and two of the points involved have been specially treated. Three law school men, representing institutions of highly divergent types, and one experienced bar examiner, who had assembled at our invitation during the summer of 1914 for the purpose of inspecting our collection of bar examination questions, were able to agree upon a statement of the general principles that should underlie the framing of these tests. With a view to obtaining a broader expression of opinion, this statement has been submitted confidentially to a carefully selected list of school men and examiners, from whom helpful comments have been received. Our procedure in this case is typical of the general spirit of our enquiry. We cannot expect to speak the final authoritative word in regard to every technical detail connected with the education of attorneys and their admission to practice. We do hope, by proceeding slowly, and inviting comment and advice from many different sources, to make a few fruitful clearings among the deadwood and the tangled growth, the maze of formula, precedent, and rule, with which this field is at present encumbered.

Special action of a somewhat unusual kind has also been taken recently upon the grading of bar examination papers. Efforts to secure typical student answers from all the states developed unexpected difficulties. In some states the examinations are entirely oral. In others the answers are either at once destroyed under formal rule, or are never preserved under decidedly informal procedure. And in still others the examiners evinced a not unnatural reluctance to having the most secret portions of their activities exposed to a possibly hypercritical scrutiny. Thus, while several of the boards, meeting our advances in a spirit of broad-minded coöperation, gave us exactly what we desired, others either refused outright or furnished material of little significance: the very best and the very worst answers handed in, or answers to only part of the examination, or answers with no indication as to the board's own grading. All told, counting in the good material with the trash, more than a hundred answer papers, from twenty-seven states, were finally turned over to the 1914 conference, to do with as it pleased in connection with the much fuller collection of questions. The conference, without minimizing the importance of a sound method of

grading, confined itself, as already stated, to a consideration of the question papers, reporting that it did not have the time, and that it doubted the feasibility of attempting, to review the grading of student answers.

For a time we were tempted to leave the matter in this shape, as one that could better be treated, perhaps, by the bar associations of the several states, more competent in some ways to handle it than any general committee could be, because more familiar with the precise law of their jurisdictions. In view, however, of the fundamental importance of the topic and of the acute form which discussion regarding it has assumed in one important state, we have recently taken it up again in an entirely different manner. ❖

By the courtesy of the Examining Board of this state, we have been enabled to make four copies of a representative selection of applicants' answer papers in two recent examinations. Four prominent law school men, purposely selected this time to represent a substantially identical point of view, have held a preliminary meeting in our offices to discuss the points of law involved in the questions, and now promise to grade these papers for us each in accordance with his own judgment, without knowledge of the name or record of the individual applicant. The original marks given by the Examining Board will then be inspected and a comparison made between the results secured by these five independent gradings of identical answers.

What this experiment will amount to cannot be foretold with any confidence. The application to human activities of laboratory methods appropriate to the natural sciences rarely yields convincing and practically useful results. The subject-matter is too subtle, the immediate activity which is being investigated is too hard to isolate, the immediate actor is too prone to act unnaturally under artificial conditions. Professor Redlich has done us all a service in emphasizing that the virtues of the case method must be found in the fact that it is a source method and a disciplinary method, but not a laboratory method at all—that there is no real analogy between law and physical science. To set four law school men and one Board of Bar Examiners to work upon identical groups of answer papers with the hope of results as conclusive as can be obtained when successive reagents are applied to a chemical compound in a test tube, would be to belittle the importance and the dignity of human nature. Within the necessary limitations imposed by sanity, however, the experiment, if it succeeds, should throw a flood of light not merely upon the methods of grading employed in this particular state, and not merely upon bar examinations or law examinations in general, but also upon our entire theory of education. The individual distinction of the participants in this experiment will give added importance to its results. If their five series of gradings, or a majority of them, prove to be in substantial harmony with one another, our prevailing reliance upon the adequacy of written examinations will be powerfully supported. If, on the other hand, numerous and irreconcilable discrepancies should appear, we may have to revise some of our fundamental assumptions.

LIST OF LAW SCHOOLS IN THE UNITED STATES
ONE HUNDRED AND THIRTY-SEVEN RESIDENT SCHOOLS
CONFERRING DEGREES

ALABAMA

Tuscaloosa University of Alabama, School of Law

ARKANSAS

Little Rock Arkansas Law School

CALIFORNIA

Berkeley	University of California, School of Jurisprudence
Los Angeles	University of Southern California, College of Law Southwestern University, Law School
Oakland	Oakland College of Law
San Francisco	Hastings College of the Law St. Ignatius University, Law Department San Francisco Law School San Francisco Y. M. C. A., Evening Law College
Santa Clara	University of Santa Clara, Institute of Law
Stanford University	Leland Stanford Junior University, Law School

COLORADO

Boulder	University of Colorado, School of Law
Denver	University of Denver, School of Law

CONNECTICUT

New Haven **Yale University, Department of Law**

DISTRICT OF COLUMBIA

Washington
Catholic University of America, School of Law
Georgetown University, School of Law
George Washington University, Law School
Howard University, School of Law (*colored*)
National University, Law School
Oriental University, Law School
Potomac University, Law School
Washington College of Law

FLORIDA

De Land
Gainesville

GEORGIA

Athens	University of Georgia, Law Department
Atlanta	Atlanta Law School
Macon	Mercer University, Law School

IDAHO

Moscow

University of Idaho, College of Law (Idaho Law School)

ILLINOIS

Bloomington

Illinois Wesleyan University, College of Law

Chicago

Chicago Law School

Chicago-Kent College of Law

De Paul University, Illinois College of Law and Illinois Law School

Hamilton College of Law

John Marshall Law School

Loyola University, Department of Law

Northwestern University, School of Law (Union College of Law)

University of Chicago, Law School

Webster College of Law

Springfield

Lincoln College of Law

Urbana

University of Illinois, College of Law

INDIANA

Angola

Tri-State College, School of Law

Bloomington

Indiana University, School of Law

Danville

Central Normal College, Law School

Indianapolis

Benjamin Harrison Law School

University of Indianapolis, Indiana Law School

Muncie

Muncie Normal Institute, Department of Law

Notre Dame

University of Notre Dame, College of Law

Valparaiso

Valparaiso University, Department of Law

IOWA

Des Moines

Drake University, College of Law

Iowa City

State University of Iowa, College of Law

KANSAS

Lawrence

University of Kansas, School of Law

Topeka

Washburn College, School of Law

KENTUCKY

Lexington

State University of Kentucky, College of Law

Louisville

Jefferson School of Law

State University Central Law School (*colored*)

University of Louisville, Law Department

LOUISIANA

Baton Rouge

Louisiana State University, Law School

New Orleans

Loyola University, Law Department

Tulane University, Department of Law

LIST OF LAW SCHOOLS IN THE UNITED STATES

7

MAINE

Bangor University of Maine, College of Law

MARYLAND

Baltimore University of Maryland, Law School

MASSACHUSETTS

Boston Boston University, School of Law
Boston Y. M. C. A., Evening Law School
Suffolk Law School
Cambridge Harvard University, Law School

MICHIGAN

Ann Arbor University of Michigan, Law School
Detroit Detroit Technical Institute, Detroit College of Law
University of Detroit, Law School

MINNESOTA

Minneapolis Minnesota College of Law
Northwestern College of Law
University of Minnesota, Law School
St. Paul St. Paul College of Law

MISSISSIPPI

Millsaps Millsaps College, Millsaps Law School
Oxford University of Mississippi, Department of Law

MISSOURI

Columbia University of Missouri, School of Law
Kansas City Kansas City School of Law
St. Louis Benton College of Law
City College of Law and Finance
St. Louis University, Institute of Law
Washington University, Law School (St. Louis Law School)

MONTANA

Missoula University of Montana, Department of Law

NEBRASKA

Lincoln University of Nebraska, College of Law
Omaha Creighton University, College of Law
University of Omaha, Omaha Law School

NEW JERSEY

Newark New Jersey Law School

NEW YORK

Albany Albany Law School (Union University, Department of Law)
Buffalo University of Buffalo, Department of Law

THE DIVISION OF EDUCATIONAL ENQUIRY

Ithaca New York City	Cornell University, College of Law
	Brooklyn Law School (St. Lawrence University, Department of Law)
	Columbia University, School of Law
	Fordham University, Law School
	New York Law School
	New York University, Law School
Syracuse	Syracuse University, College of Law

NORTH CAROLINA

Chapel Hill	University of North Carolina, School of Law
Durham	Trinity College, Law School
Wake Forest	Wake Forest College, School of Law

NORTH DAKOTA

Grand Forks	University of North Dakota, Law School
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OHIO

Ada	Ohio Northern University, College of Law
Cincinnati	Cincinnati Law School
	Cincinnati Y. M. C. A., Night Law School
Cleveland	Cleveland Law School (Baldwin-Wallace College)
	Western Reserve University, Franklin Thomas Backus Law School
Columbus	Ohio State University, College of Law
Toledo	St. John's University, Department of Law
	Toledo University, College of Law

OKLAHOMA

Norman	University of Oklahoma, School of Law
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OREGON

Eugene	University of Oregon, Law School
Portland	Northwestern College of Law
	Oregon Law School
	Portland Law School
Salem	Willamette University, College of Law

PENNSYLVANIA

Carlisle	Dickinson College, Dickinson School of Law
Philadelphia	Temple University, Department of Law
	University of Pennsylvania, Law School
Pittsburgh	Duquesne University of the Holy Ghost, School of Law
	University of Pittsburgh, Pittsburgh Law School

SOUTH CAROLINA

Columbia	University of South Carolina, School of Law
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LIST OF LAW SCHOOLS IN THE UNITED STATES**9****SOUTH DAKOTA**

Vermillion University of South Dakota, College of Law

TENNESSEE

Chattanooga Chattanooga College of Law
Knoxville University of Tennessee, College of Law
Lebanon Cumberland University, Law School
Memphis University of Memphis, Law School
Nashville Vanderbilt University, Law School
 Walden University, Law Department (*colored*)

TEXAS

Austin University of Texas, Department of Law

UTAH

Salt Lake City University of Utah, School of Law

VIRGINIA

Charlottesville University of Virginia, Department of Law
Lexington Washington and Lee University, School of Law
Richmond Richmond College, Law School

WASHINGTON

Seattle University of Washington, School of Law
Spokane Gonzaga University, Department of Law
Tacoma Tacoma School of Law

WEST VIRGINIA

Morgantown West Virginia University, College of Law

WISCONSIN

Madison University of Wisconsin, Law School
Milwaukee Marquette University, College of Law

TEN RESIDENT SCHOOLS NOT CONFERRING DEGREES**CALIFORNIA**

San Diego San Diego School of Law
 San Diego Law School
San Francisco Kent Law School

MASSACHUSETTS

Boston Portia School of Law
Cambridge Cambridge Law School for Women

OHIO

Columbus Columbus Evening Law School
Youngstown Youngstown Y. M. C. A., School of Law

THE DIVISION OF EDUCATIONAL ENQUIRY

TEXAS

Dallas	Dallas Law School
Houston	Houston Y. M. C. A., Night Law School

VIRGINIA

Norfolk	Norfolk Y. M. C. A., School of Law
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SEVENTEEN CORRESPONDENCE SCHOOLS

CALIFORNIA

Los Angeles	American Extension University, Department of Law
San Francisco	Modern School of Business and Correspondence, Course in General Law

DISTRICT OF COLUMBIA

Washington	¹ Oriental University, Law School
	¹ Potomac University, Law School

ILLINOIS

Chicago	American Correspondence School of Law
	American School of Correspondence, Department of Law
	Blackstone Institute
	Chicago Correspondence School of Law
	¹ Hamilton College of Law, Correspondence Department
	La Salle Extension University, Department of Law
	McKinley University, College of Law (Standard College of Law)
	National Correspondence School of Law

INDIANA

Indianapolis	National Correspondence School of Law
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IOWA

Oskaloosa	Oskaloosa College, School of Law
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MINNESOTA

Minneapolis	University Extension Society, Department of Law
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NEW YORK

New York	National Eclectic Institute, School of Law
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OHIO

Rogers	Carnegie College, Law Department
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¹ Also offer residence work.

